

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CIRCUITO CERRADO INC., as Broadcast
Licensee of the *September 5, 2009, Honduras*
v. Trinidad & Tobago Soccer Broadcast,

ORDER

09 CV 5181 (RJD)(MDG)

Plaintiff,

- against -

LA CAMISA NEGRA RESTAURANT & BAR
CORP., d/b/a LA CAMISA
NEGRA, a/k/a LA CAMISA NEGRA
RESTAURANT, a/k/a LA CAMISA NEGRA,

Defendant.

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DEARIE, Chief Judge.

In a Report and Recommendation dated and entered March 7, 2011, Magistrate Marilyn D. Go recommends that this Court deem the complaint amended to reflect the proper name of the defendant, to wit, "La Camisa Negra Restaurant Bar Corp. a/k/a "La Camisa Negra Corp.," and that the Court award plaintiff judgment by default against defendant in the amount of \$4,250 in damages, \$12,750 in enhanced damages, \$652.50 in attorneys' fees and \$510 in costs, for a total judgment of \$18,162.50. (The initial complaint also named as defendants Wayne Romano and Ana Sanchez in their capacity as principals of the corporate defendant, but plaintiff voluntarily dismissed its claims against those two individuals).

No objections to the Report and Recommendation have been filed and the clock has run on defendant's time to do so. See 28 U.S.C. § 636; Fed. R. Civ. P. 72. The Clerk's office timely arranged for overnight shipment of the Report and Recommendation to defendant's last known address but the carrier eventually returned the materials to the Court; the accompany

shipment detail states, “[c]ustomer not available or business closed” and “[i]ncorrect address -- [r]ecipient moved.” Docket No. 17. The Court is satisfied that defendant had an adequate opportunity to defend its interests in this action; its failure to leave any forwarding address continues its apparent refusal, from the time this action was first commenced eighteen months ago, to make itself available to communications from the Court or to defend its interests in this action.

Having considered the papers submitted in support of plaintiffs’ application and the comprehensive and thoughtful analysis of Magistrate Go, the Court adopts the Report and Recommendation without qualification and directs the Clerk to enter judgment accordingly.

SO ORDERED.

Dated: Brooklyn, New York
March 28, 2011

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge